

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KENNETH GERALD KNABENSHUE,)
AIS#241248)

Plaintiff,)

v.)

RICHARD ALLEN, et al.,)

Defendants.)

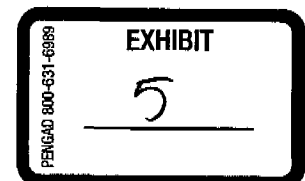
) Case No. 2:08-cv-0802-RDP-RR

AFFIDAVIT

Before me, the undersigned authority, a Notary Public, in and for said County and State of Alabama at large, personally appeared Joe Binder, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Joe Binder. I am currently employed with the Alabama Department of Corrections as a Correctional Officer at William E. Donaldson Correctional Facility, 100 Warrior Lane, Bessemer, Alabama 35023. I am over twenty-one (21) years of age.


On March 22, 2008, at approximately 4:50 p.m., I, Officer Joe Binder, was assigned as a rover in EFGH Segregation. Officer Roderick Gadsden and I have been conducting routine assigned duties in the segregation unit. Earlier, Officer Gadsden and I conducted a cell search of Inmate Kenneth Knabenshue's cell. While conducting the cell search, I found inmate Knabenshue to be in possession of an inmate made knife (see incident report #08-0469). It was later discovered by the Cubicle Officer, Reginald Bolling, that inmate Knabenshue had set a fire in his cell. At this time, I departed the unit to retrieve a



fire extinguisher from the East Hall Cube because the fire extinguisher in EFGH Unit was completely empty. I returned with the fire extinguisher and sprayed the contents from the fire extinguisher inside inmate Kenneth Knabenshue's, #241248, cell in attempt to put out the fire. I did not turn off the ventilation system or close inmate Knabenshue's tray door. I was advised by Lt. Richie to stand fast until clear visibility could be established. Once the smoke cleared up, I gave inmate Knabenshue a direct order to place his hands out of the tray door to be handcuffed. Inmate Knabenshue refused my direct order. At this time, inmate Knabenshue started another fire with his clothes. I was advised again to stand fast by Lt. Richie until clear visibility was established. Lt. Richie then instructed me to prepare for a cell extraction. Lt. Richie tasked (assigned) me with the leg irons. The extraction team approached inmate Kanbenshue's door. As the door opened, the burning mattress fell to the floor. I took hold of the mattress on the part that was not burning and threw it (mattress) onto the stairs. Upon entering the cell, inmate Knabenshue kicked the shield. I was attempting to locate his hands and feet. I attempted to put a leg iron on inmate Knabenshue's leg. Inmate Knabenshue kicked me below my knee. I fell to the floor, but was able to get on my feet. At this time, the extraction team and I took inmate Knabenshue into custody and carried inmate Knabenshue from his smoking cell. I struggled to maintain a hold of inmate Kanbenshue's right arm because he was still resisting. Once the extraction team and I got to the bottom of the stairs with inmate Knabenshue, he started kicking his feet and throwing punches at the members of the extraction team. Once the extraction team gained control and handcuffed inmate Knabenshue with is hands behind his back, I placed leg irons on inmate Knabenshue's legs. At this time, the extraction team escorted inmate Knabenshue to the infirmary. I

sustained an injury to my right knee. I was treated and released back to duty. At no time did I use any excessive force on inmate Knabenshue. At no time have I made, or heard anyone else make any derogatory remarks or statements to or about inmate Knabenshue. At no time have I ever violated any of inmate Knabenshue's rights. I deny all of the allegations made by inmate Knabenshue because they are totally false and I do not have any knowledge of them.

To the best of my knowledge, the aforementioned facts are correct and true.



JOE BINDER

STATE OF ALABAMA)

JEFFERSON COUNTY)

SWORN TO AND SUBSCRIBED BEFORE ME AND GIVEN UNDER MY HAND
AND SEAL THIS 26th DAY OF AUGUST 2008.



NOTARY PUBLIC

Commission Expires 5/31/2012